

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 2, 2005. At the time of the Final Office Action, Claims 1-5, 7-12, 14-16, and 18-22 were pending in this Application. Claims 6, 13, and 17 were previously cancelled by Applicants without prejudice or disclaimer. Claims 1-5, 7-12, 14-16, and 18-22 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-5, 7-12, 14-16 and 18-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,160,708 issued to Josef Loibl et al. ("Loibl et al.") in view of U.S. Patent 5,276,584 issued to Hugh M. Collins et al. ("Collins et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Applicants believe there is no motivation for a person skilled in the art to combine Loibl and Collins because a combination of the two references would not lead to any improvement. If Loibl and Collins are combined, which Applicants do not concede, such a combination will not lead to the structure as claimed in the independent claims. Collins discloses a metal heat sink which comprises the alleged channels which is mounted with its bottom surface on a separate plate 140 to provide for air channels through which cooling air

can be conducted. Collins further discloses to arrange electronic devices on a circuit board which is then placed on top of the heat sink. Loibl discloses to mount an electronic device on a base plate 10. Thus combining Loibl and Collins would result in mounting a heat sink on the bottom of plate 10. Such a combination, however, would result in a different structure than the claimed structure.

Even if the metal plate 10 of Loibl would be replaced with the heat sink as taught by Collins such a combination would not lead to the structure as claimed in the independent claims. First, Loibl discloses an open system in which the single piece body has no bottom wall with an at least partially flat area. In fact, Loibl rather teaches a frame 11 with no bottom wall at all. Second, the heat sink cannot be considered as the heat conduction metal body plate because it doesn't have a bottom surface that rests on the bottom wall. Rather a separate plate would be needed to enclose the channels of the heat sink.

Moreover, because there is no bottom wall in the Loibl structure there cannot be a channel formed in that single piece body. In fact it is completely unclear how a person skilled in the art would form such a channel in the single piece body because Collins teaches away from such a structure.

Therefore, Applicants believe that the cited references do not anticipate the present invention. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Information Disclosure Statement

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on December 1, 2005. Applicants respectfully request that the Information Disclosure Statement be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statement and PTO Form 1449 filed on December 1, 2005 for the Examiner's convenience and a copy of the postcard receipt evidencing receipt by the Patent Office.

ATTORNEY DOCKET
071308.0446

PATENT APPLICATION
10/616,018

4

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Andreas Grubert
Limited Recognition No. L0225
Expires June 30, 2006
Limited Recognition Under 37 C.F.R. §11.9(b)

Date: January 30, 2006

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.

CUSTOMER ACCOUNT NO. **31625**

512.322.2545

512.322.8383 (fax)